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From: energy@morningconsult.cpro30.com
Sent: Fri 9/4/2015 12:22:05 PM
Subject: Morning Consult Energy: Oil and Gas Industry Scores Legal Victory in Endangered Species Act Case; BP Wants Some of Its Money Back From Gulf Spill Settlement

By [Colleen Leahy](#)

Today's Washington Brief

- A federal judge in Texas stripped the lesser prairie chicken of protections under the Endangered Species Act, saying that the U.S. Fish and Wildlife Service didn't properly review Texas' conservation plans when it granted the bird that designation. The ruling is a win for the oil and gas industry, which has argued that such protections prevent hundreds of millions of dollars' worth of energy development. ([The Associated Press](#))
- Energy efficiency groups are in agreement with natural gas and appliance associations that a provision in the Senate's comprehensive energy bill that would regulate furnaces needs to go or at least be significantly modified. The provision would put the brakes on federal efficiency standards for home furnaces. ([Morning Consult](#))
- The NAACP has teamed up with environmental groups like the Sierra Club and Earthjustice for an ad campaign promoting the White House's proposed ozone regulation as an issue of social justice. The groups say low-income and minority residents are more likely to live in areas with pollution and are therefore more susceptible to harmful health effects. ([The Hill](#))

Today's Business Brief

- Attorneys representing BP argued in a federal appeals court that the oil and gas giant should get back some of the money it paid for damages caused by the 2010 Gulf spill, saying that the terms reached under the 2012 settlement have resulted in overpayments by BP. ([The Associated Press](#))
- A federal judge ruled that the Securities and Exchange Commission must complete a long-delayed rule that would force oil, gas and mining companies to disclose the amounts they pay foreign governments in countries for extracting natural resources. The ruling in favor of Oxfam America, which filed the suit last year, stops short of giving the SEC an exact date to complete the rule, instead calling for an "expedited schedule." ([National Journal](#))

- Missouri-based Patriot Coal Corp. avoided a bankruptcy shutdown when its potential buyer, Blackhawk Mining LLC, and the United Mine Workers of America reached a collective bargaining agreement ([The Wall Street Journal](#)). Meanwhile, the last union mine in Kentucky has shut down. ([The Associated Press](#))

Today's Chart Review

[Coal Companies Are Dying While Their Execs Grab More Cash from Mother Jones](#)

Mark Your Calendars (All Eastern Times)

Friday

No events scheduled.

Earnings report for [Piedmont Natural Gas Co. Inc.](#)

General

[In win for oil and gas, lesser prairie chicken stripped of federal protection from the Associated Press](#)

A federal court in Texas has stripped the lesser prairie chicken of Endangered Species Act protections, a victory for oil and gas companies that argued conservation efforts are working.

[Greens, civil rights groups team up on ozone rule from The Hill by Devin Henry](#)

The NAACP and green groups are launching an ad campaign supporting the rule. They're sponsoring newspaper and digital ads this week highlighting the rule as especially important for black Americans, who are much more susceptible to adverse health effects caused by ozone because their communities are frequently in areas where smog pollution is worse than even the current standards.

[NYC's plan to cut greenhouse emissions is far behind schedule, City Controller Scott Stringer says](#)

from the New York Daily News by Greg B. Smith

The city's much-touted effort to reduce greenhouse gas emissions is off-track and likely behind schedule, a new audit by City Controller Scott Stringer charges. In 2007 then-Mayor Michael Bloomberg vowed to cut emissions generated by city-owned buildings 30% by 2017. De Blasio pledged to meet that goal as well. But auditors found after eight years, emissions have only dropped 16%, averaging 2% a year.

Drop in U.S. Stock Futures Signals Anxiety Over Payrolls Report
from Bloomberg News by Roxana Zega

U.S. equity futures signal stocks are poised to reverse two days of gains as investors await today's jobs report, the last major data point before the Federal Reserve meets later this month. Contracts on the Standard & Poor's 500 Index expiring in September lost 1 percent to 1,927, while futures on the Dow Jones Industrial Average fell 1 percent to 16,179.

Oil & Natural Gas

Brent crude oil slips towards \$50 on demand concerns
from Reuters by Karolin Schaps

Oil prices fell on Friday, pushing benchmark North Sea Brent crude down towards \$50 a barrel, after a cut in European growth forecasts heightened worries over the outlook for demand at a time of huge oversupply.

BP Seeks Restitution of Some Gulf Oil Spill Business Claims
from the Associated Press by Kevin McGill

After the 2012 settlement was approved, BP argued that the claims administrator had not been correctly matching business' revenues and expenses, resulting in overpayments. A court eventually ordered a new calculation method but refused to order restitution of payments already made. The company wants restitution of some of the money paid out prior to October 2013.

Big Oil May Soon Have To Disclose Payments To Foreign Governments
from National Journal by Ben Geman

A fed-er-al judge ruled Wed-nes-day that the Se-cur-it-ies and Ex-change Com-mis-sion must fi-nally com-plete a long-delayed rule that would force oil, gas, and min-ing com-pan-ies to re-veal how much they're pay-ing gov-ern-ments in coun-tries where they ex-tract re-sources.

Oil Spill Forces Partial Closure of Mississippi River
from the Wall Street Journal by Dan Molinski

The Coast Guard said Thursday it has closed a portion of the Mississippi River near Paducah, Ky. after an oil spill from a towboat collision.

Told to fix leaky oil train cars in 2 months, owners sought 3 years
from McClatchy News by Curtis Tate and Samantha Wohlfeil

Railroad tank cars equipped with defective valves still will be allowed to transport crude oil and other hazardous materials through the end of the year, despite a March directive from federal regulators requiring their replacement within 60 days.

Regulations, lawsuits pose challenges to oil and gas industry
from the Daily Times by James Fenton

Oil and gas industry officials say a recent federal court ruling denying a request by environmental groups to put a hold on the issuance of BLM drilling permits in the Chaco Canyon region is a sign of vindication. In March, the coalition of environmental groups asked for an injunction to stop issuing permits oil and gas drilling near Chaco Culture National Historical Park.

Utilities & Infrastructure

Manufacturers and utilities square off before legislators
from the Northwest Indiana Times by Keith Benman

Indiana's large manufacturers and utilities squared off before Indiana legislators Wednesday to present competing views of what the future should hold for satisfying industrial power needs in the state. Indiana Industrial Energy Consumers told legislators the state's utility regulations have to be changed to control electricity costs for manufacturers, primarily by making it easier for them to build their own electric generating plants.

Renewables

Wind industry aims to cut bat killings
from The Hill by Timothy Cama

Wind power companies are slowing down their turbines this fall in an effort to dramatically reduce the number of bats the blades kill. By reducing the speed of turbines to between one and three revolutions per minute during bats' top migrating season, the American Wind Energy Association (AWEA) hopes to eliminate 30 percent of the bat killings that would happen this year.

Alabama Power's plan for 500 MW of renewables approved by regulators
from Utility Dive by Herman K. Trabish

The Alabama Public Service Commission (PSC) approved a proposal from Southern Company subsidiary Alabama Power, the state's dominant electricity provider, to procure up to 500 MW of renewable energy from 80 MW or smaller facilities. The utility's proposal cited both a need for renewables to meet Clean Power Plan emissions reductions requirements and customer demand.

Nuclear

Washington sues feds over safety of nuclear waste tanks from the Seattle Times by Gene Johnson

Washington state is suing the federal government again over cleanup at the Hanford Nuclear Reservation — this time over the danger posed to workers by vapor releases from underground waste-storage tanks. In a federal lawsuit filed in Spokane on Wednesday, state Attorney General Bob Ferguson said the U.S. Department of Energy has known about vapors sickening workers at the site since at least the late 1980s, but hasn't fixed it — even though agencies have issued 19 reports on the problem.

DOE's trash is Nev. town's treasure from E&E by Hannah Northey

The grinding national battle over the proposed nuclear waste repository at Yucca Mountain gets personal for this economically ailing desert town within an hour's drive of the mountain. The Obama administration's decision to scrap the project has hit Pahrump in the wallet, spurring a campaign by some local officials to get the repository back on track. "This would turn us around," Nye County Commissioner Dan Schinhofen said. "This would be huge for us."

Pilgrim nuclear plant one step from shutdown by regulators from the Cape Cod Times by Christine Legere

Pilgrim Nuclear Power Station in Plymouth, Massachusetts is now at the bottom of the performance list of the nation's 99 operating reactors, based on its forced shutdowns and equipment failures, and in a category just one step above mandatory shutdown by federal regulators. Only two other plants in the country are currently in that category: Arkansas Nuclear One and Arkansas Nuclear Two.

Coal

Patriot Coal Union and Suitors Agree on Labor Pact from the Wall Street Journal by Jacqueline Palank

Patriot Coal Corp. averted a bankruptcy showdown with its miners on Thursday, after the union representing its workers and the company's proposed suitor agreed on a new employment pact.

Hearing in Lexington on proposed tougher federal mining standards reveals deep divisions

from the Lexington Herald-Leader by Bill Estep

It didn't take long for sharp divisions to emerge at a public meeting Thursday on proposed tougher federal mining standards aimed at protecting streams. The U.S. Office of Surface Mining hosted the meeting to take comments on its proposed rule, which includes some of the most significant changes in mining standards in decades.

This Ohio utility has an innovative plan to save coal power: force customers to buy it

from Vox by David Roberts

FirstEnergy, a power company that serves 6 million customers in Ohio, Pennsylvania, West Virginia, Virginia, Maryland, New Jersey, and New York, owns a handful of big nuclear and coal power plants that are no longer competitive in power markets. Rather than shut down the plants, the company is asking Ohio regulators to force customers to buy the plants' power for the next 15 years, an enormous subsidy that would ensure FirstEnergy shareholders a steady, predictable profit even as its ratepayers get hosed.

Potential jurors asked about opinions of ex-Massey CEO

from the Associated Press by Pam Ramsey

A questionnaire distributed to potential jurors in the criminal case against former Massey Energy Chief Executive Officer Donald Blankenship asks whether they know anyone who has been injured or killed in a mine. Prospective jurors also were asked whether they have formed any opinions about Blankenship, Massey Energy and its coal mining practices, and other criminal cases related to an explosion at the Upper Big Branch Mine in April 2010 that killed 29 men.

Climate

Fat cat pay at fossil fuel companies drives climate crisis – report

from The Guardian by Suzanne Goldenberg

Executive pay at fossil fuel companies rewards corporate behavior that deepens the climate crisis, and offers no incentive to shift towards renewable energy, a Washington think tank said on Wednesday. Executives at the 30 biggest publicly held coal, oil and gas companies in the US were paid more than leaders of other major corporations, about 9% higher than the S&P 500 average, the Institute for Policy Studies (IPS) found.

Opinions, Editorials & Perspectives

We can't negotiate over the physics of climate change
from Grist by Bill McKibben

Everything President Obama's saying is right: we are a nation, and a planet, beset by fire, flood, drought. It's the hottest year in Earth's recorded history. July was the hottest month ever measured on planet Earth. But of course the alarm he's sounding is muffled by the fact that earlier this year he gave Shell Oil a permit to go drill in the Arctic, potentially opening up a giant new pool of oil.

Obama walking a razor's edge in Alaska on climate change
from the Brookings Institution by Timmons Roberts

As President Obama wraps up his historic visit to Alaska and meeting with the Arctic climate resilience summit (GLACIER Conference), he is walking a razor's edge, delivering a delicately crafted missive for two audiences. Each view is coherent by itself, but together they create a contradictory message that reflects the cognitive dissonance of this administration on climate change.

EPA's Clean Power Plan is the biggest threat to US energy renaissance
from The Hill by Ned Mamula

The U.S. is in the midst of an "energy renaissance" far beyond the wildest imagination of anyone from merely a decade ago. Unfortunately, the EPA may kill it. Their "Clean Power Plan" (CPP) is yet another attempt to foist expensive, unreliable, unworkable "renewable" solar and wind power upon a highly serviceable national grid. Meanwhile, U.S. oil and natural gas production are at all time highs and prices are dropping.

Overreach, court and catastrophe: The EPA's rough summer
from Watchdog.org by Nicholas C. Fondacaro

The agency seems to be implementing stringent regulation with complete disregard for the effects it has on the local and national economies. The agency is acting very similarly to the EPA from the Simpsons Movie; doing everything short of throwing a dome up over places they see as problems.

Avoiding the cliff: Put energy policy to work for America
from The Hill by Kevin Haley

Today's emerging energy paradigm is decidedly moving toward low carbon resources, yet our policy framework is overwhelmingly biased in favor of carbon-intensive energy. Until Congress again recognizes the need for political action, America's energy policy is stuck in the past and it's holding us back.

Invest in energy infrastructure
from the Detroit News by the Editorial Board

Last month's temporary spike in gas prices, caused by an unexpected shutdown of BP's Indiana refinery, has subsided, but it serves as both a warning and reminder of how vulnerable Michigan and much of the Midwest is to an aging energy infrastructure. State and federal lawmakers should encourage investment in the infrastructure, and be careful not to shackle the energy sector with regulations whose costs are not balanced by environmental benefits.

Research Reports, Issue Briefs & Case Studies

Report: Solar energy per person grew 149 percent last year
from Environment New Hampshire by Rob Sargent

Per capita solar power capacity grew 149 percent in New Hampshire last year, according to a new report by Environment New Hampshire Research & Policy Center. The growth rate put the state 3rd in the country for solar power capacity per person added in 2014.

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